

### **REMARKS**

The Official Action dated September 21, 2004 has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

By the present Amendment, the specification is amended to include description from SE-0000611-4, which is incorporated by reference at page 5, lines 6-7. For the Examiner's convenience, submitted herewith is a copy of SE-0000611-4. The description from SE-0000611-4 which is included at page 11 of the present application may be found at page 14, lines 21-30 of the Swedish application. Additionally, claims 83-88 are added. Support for these claims may be found in the specification, for example at page 11, and in original claims 73-76 and 78. A new Abstract is provided and is directed to the subject matter of claim 67. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

In the Official Action, the Examiner objected to the Abstract as being too long. Accordingly, the original Abstract has been deleted and a new Abstract is provided. It is believed that the objection has therefore been overcome and reconsideration is respectfully requested.

Claims 67-73 and 76 were rejected under 35 U.S.C. §102(e) as anticipated by the Roffman et al U.S. Patent No. 6,554,425. The Examiner asserted that Roffman et al disclose an intraocular correction lens having at least one aspheric surface which when its aberrations are expressed as a linear combination of polynomial terms, is capable of, in combination with a lens in the capsular bag of an eye, reducing similar such aberration terms obtained in a wavefront having passed the cornea, thereby obtaining an eye sufficiently free from

aberrations. Claims 74, 75 and 77-81 were rejected under 35 U.S.C. §103 as being unpatentable over Roffman et al in view of Callahan et al. The Examiner asserted that it would have been obvious to make the intraocular lens of Roffman et al of silicone or hydrogel since Callahan et al teach intraocular lenses made of such materials. The Examiner further asserted that it would have been obvious to adapt the Roffman et al lens for implanting in the posterior chamber of the eye as Callahan et al teach such lenses.

However, Applicants submit that the intraocular correction lens and methods defined by the present claims 67-81 are neither anticipated by nor rendered obvious over Roffman et al, alone or in combination with Callahan et al. Accordingly, these rejections are traversed and reconsideration is respectfully requested.

More particularly, as defined by claim 67, the intraocular lens of the invention has at least one aspheric surface which when its aberrations are expressed as a linear combination of polynomial terms, is capable of, in combination with a lens in the capsular bag of an eye, reducing similar such aberration terms obtained in a wavefront having passed the cornea, thereby obtaining an eye sufficiently free from aberrations. Thus, the present intraocular lens is a correction lens adapted for use in an eye together with a lens, either natural or implanted, in the capsular bag. Therefore, the aspheric surface of the claimed lens is configured, when its aberrations are expressed as a linear combination of polynomial terms, such that the claimed lens, together with the capsular bag lens, reduce the similar aberration terms obtained in a wavefront having passed the cornea (see, for example, the specification at page 4, lines 10-34). The aberration of the capsular bag lens is determined, for example, by using the wavefront aberration values of the whole eye and subtracting those values of the cornea or by modeling the optical system, as described, for example, at page 5, line 30-page 6, line 6.

Roffman et al disclose ophthalmic lenses that have zones of more than one optical power or focal length. Although the specific lenses exemplified by Roffman et al comprise spectacle lenses (Figs. 1 and 2) and contact lenses (Figs. 3a and 3b), Roffman et al mention that their lenses may comprise an intraocular lens (column 1, line 65) and that an intraocular lens is inserted as a replacement for a natural lens which has been removed (column 1, lines 19-21). Roffman et al further disclose that in the case of intraocular lenses, the corneal topography data may be combined with wavefront both on the lens' front surface, back surface or a combination thereof (column 5, lines 6-12) and that the lenses may be spherical or aspherical (column 5, lines 13-15).

However, Applicants find no teaching or suggestion by Roffman et al of an intraocular lens which has an aspheric surface which when its aberrations are expressed as a linear combination of polynomial terms, is capable of, in combination with a lens in the capsular bag of an eye, reducing similar such aberration terms obtained in a wavefront having passed the cornea. Importantly, Applicants find no teaching or suggestion by Roffman et al for measuring aberrations of the capsular bag lens and subsequently configuring an intraocular lens for use in combination therewith to reduce similar such aberration terms obtained in a wavefront having passed the cornea. To the contrary, Roffman et al disclose that an intraocular lens replaces a natural lens. Thus, Roffman et al provide no teaching or suggestion of a lens as presently claimed, adapted in combination with a capsular bag lens to reduce similar such aberration terms obtained in a wavefront having passed the cornea.

Anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference, *In re Robertson*, 49 U.S.P.Q.2d 1949, 1950 (Fed Cir. 1999). In view of the failure of Roffman et al to teach a lens having at least one aspheric surface which when its aberrations are

expressed as a linear combination of polynomial terms, is capable of, in combination with a lens in the capsular bag of an eye, reducing similar such aberration terms obtained in a wavefront having passed the cornea, Roffman et al do not disclose each and every element of claim 67 and therefore do not anticipate claim 67, or any of claims 68-81 dependent thereon, under 35 U.S.C. §102.

Moreover, the deficiencies of Roffman et al are not resolved by Callahan et al. That is, Callahan et al disclose haptics for an intraocular lens which is capable of being rolled for insertion through a small incision in the cornea. While Callahan et al disclose that the lens optic may be designed to replace the natural lens in an aphakic eye or to supplement and correct defects in the natural lens in a phakic eye (column 5, lines 17-20), Applicants find no teaching or suggestion in Callahan et al that would motivate one of ordinary skill in the art to combine any of the teachings of Callahan et al with Roffman et al to result in the presently claimed intraocular lens and method. The mere fact that prior art could be modified to result in the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification, *In re Mills*, 16 U.S.P.Q. 1430 (Fed. Cir. 1990); *In re Fritch*, 23 U.S.P.Q. 2d 1780 (Fed. Cir. 1992). Neither Roffman et al nor Callahan et al suggest any such desirability.

Further, Applicants find no teaching or suggestion by Callahan et al that would have motivated one of ordinary skill in the art to construct the Roffman et al lens to have an aspheric surface which, when its aberrations are expressed as a linear combination of polynomial terms, is capable of, in combination with a lens in the capsular bag of an eye, reducing similar such aberration terms obtained in a wavefront having passed the cornea. In fact, Applicants find no teaching or suggestion by Callahan et al that an optic portion could be


so configured, or that such a configured lens could be provided in the intraocular lens of Roffman et al, which, as noted above, is designed to replace the natural lens.

In order to render a claimed invention obvious, the prior art must enable one skilled in the art to make and use the claimed invention, *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 U.S.P.Q.2d 1481, 1489 (Fed. Cir. 1997). In view of the disparities and deficiencies in the teachings of Roffman et al and Callahan et al, these references in combination do not enable one of ordinary skill in the art to make and use the intraocular lens of claim 67 or any of the claims dependent thereon, and therefore do not render these claims obvious.

It is therefore submitted that the lenses and methods defined by claims 67-81 are neither anticipated by nor rendered obvious over Roffman et al, alone or in combination with Callahan et al, whereby the rejections under 35 U.S.C. §§ 102 and 103 have been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the objection and the rejections under 35 U.S.C. §§ 102 and 103, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

  
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